

July 2, 2018

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**RE: SES and Intelsat Notice of *Ex Parte* Presentation
GN Docket Nos. 17-183, 18-122**

Dear Ms. Dortch:

On June 28, 2018, representatives of SES and Intelsat (the “Parties”) met with Chairman Ajit Pai and his wireless and international legal advisor, Rachael Bender, and separately with Commissioner Jessica Rosenworcel and her policy advisor, Kate Black. Participants in the meeting on behalf of SES were Steve Collar, SES President and CEO; Christophe De Hauwer, SES Chief Strategy and Development Officer; and the undersigned, outside counsel to SES; for Intelsat, Stephen Spengler, Intelsat CEO; Bruno Fromont, Intelsat Senior Vice President, Strategy and Planning; and Gregg Elias, Wiley Rein LLP, outside counsel to Intelsat. In addition, the Parties, joined by Petra Vorwig, SES Senior Legal & Regulatory Counsel, met with Will Adams, legal advisor to Commissioner Brendan Carr (the two CEOs did not participate in this meeting).

In these meetings, the Parties discussed the draft *NPRM*¹ on Expanding Flexible Use of the 3.7 to 4.2 GHz band (“C-band”) tentatively scheduled to be voted on at the July 12th Open Commission Meeting. The Parties reiterated their belief that their market-based Joint Proposal,² the lead proposal in the draft, provides the fastest and most effective way to clear spectrum for terrestrial mobile 5G use while protecting the reliability and high quality delivery of incumbent video and audio downlink services. The Parties also highlighted the multiple benefits of their lead proposal for industry growth and investment, noting that it best aligns incentives to ensure a win-win solution for all stakeholders, as well as the broader public interest.

In addition, the Parties emphasized that the most efficient way to clear spectrum for flexible use is for the Commission to avoid mandating excessive complexity and proscriptive rules. The Commission can provide appropriate oversight of a market-based process without finalizing every detail at the outset. Flexibility will be the key to a fast and efficient clearing process, which is critical to win the race to 5G.

¹ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band, Order and Notice of Proposed Rulemaking*, GN Docket No. 18-122, GN Docket No. 17-183 (draft released June 21, 2018) (“*Order*” or “*NPRM*”).

² See Intelsat-SES Feb. 21, 2018 *Ex Parte* Letter, GN Docket No. 17-183, Attach. at 1-2.

During the meetings, the Parties voiced their support for the Commission's focus on bringing broadband to rural America, but also expressed concern about the Broadband Access Coalition ("BAC") proposal to authorize point-to-multipoint ("P2MP") service, on a primary basis, in the top 160 MHz portion of the band. This proposal would further constrain the remaining capacity in the C-band downlink and harm the Parties' ability to provide high quality service to customers. This proposal runs counter to a market-based approach, and calls into question the utility of undergoing the clearing process while adding more users into other portions of the band at the same time. The Parties' customers continue to express great concern about protecting their ongoing high quality satellite service for the more than 100 million U.S. households that rely on their video programming services. These customers' options are even more limited in smaller and rural markets. P2MP providers have not demonstrated that they can remedy interference by switching channels quickly enough, or accommodate the shifts in frequencies or orientation of receive earth stations, to satisfy the high reliability requirements of video customers. Accordingly, the Parties urged the Commission to focus the *NPRM* on facilitating entry of 5G services into the band and to identify other frequency bands for possible P2MP use. At a minimum, the Commission should seek comment on the costs and benefits of allowing more immediate P2MP entry into the C-band through the market-based approach vs. the complications of P2MP entry into the upper portion of the C-band.

Finally, the Parties added that the information collection requirements in the draft C-band *Order* are premature, as decisions made in the *NPRM* could result in significant changes in the information to be collected (and may make collection of the information unnecessary). Before placing an extraordinary burden on C-band receive-only earth station operators, especially small and rural operators, the Commission should weigh the costs and benefits of doing so and allow comment. The Parties also noted to Will Adams that, although they appreciate the Commission staff's willingness to work with them on reducing obstacles to registering operational earth stations, they are seeking further streamlining because of concerns that the current registration process still imposes undue economic and administrative burdens on small businesses.

This notice is filed pursuant to FCC Rule 1.1206; please contact the undersigned with any questions regarding this matter.

Respectfully submitted,

/s/ Michele C. Farquhar

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cc: Chairman Pai
Rachael Bender
Commissioner Rosenworcel
Kate Black
Will Adams